

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF NORTH CAROLINA
WESTERN DIVISION

Regional Service Center, Inc.,)	
)	
Plaintiff,)	
)	
v.)	Case No. 5:06-cv-00498-BR
)	
HGD Enterprises, LLC, Dennis M.)	
DiVenuta, J.D., Unit Dose Solutions, LLC)	
and Unit Dose Solutions, Inc.)	
Defendants.)	

MOTION FOR EXPEDITED DISCOVERY

The Plaintiff, Regional Service Center, Inc. ("RSC"), submits this Motion for Expedited Discovery pursuant to Federal Rule of Civil Procedure 26(d). For the reasons set forth in the accompanying Memorandum of Law, RSC's counsel certifies under L.R. 7.1(c) that it has made a good faith effort to resolve this matter with Defendant Dennis M. DiVenuta, Esquire, but was unable to reach an agreement. For the reasons set forth in the Verified Complaint and the accompanying Memorandum of Law, RSC respectfully requests that the Court:

A. Order that the parties may engage in expedited discovery in preparation for a preliminary injunction hearing;

B. Order that the topics of the expedited discovery shall be limited as follows:

(1) RSC's Licensed Services and Products (as defined in the Verified Complaint) and its confidential or proprietary information used or retained by the Defendants;

(2) RSC's policies and procedures manual and any or all other policies, processes or procedures created or used by the Defendants related to unit dose repackaging;

(3) RSC's Medication Control System software and any other software (including source code) created or used by the Defendants related to unit dose packaging or repackaging services or products;

(4) Materials created or used by the Defendants in the course of obtaining, processing or delivering unit dose packaging or repackaging services or products;

(5) Corporate records and agreements of the Defendants;

(6) Communications, documents, electronic data, and contracts between the Defendants and customers concerning unit dose packaging or repackaging services or products;

(7) Communications, representations, documents, electronic data, and agreements related to actual or potential investors or creditors about intellectual property; and

(8) Materials from the following third parties concerning the Defendants: Mountain States Health Alliance, University of North Carolina Medical Center, Duke Medical Center, Legacy Health Systems, Shamrock Companies and Shamrock Medical Solutions Group, Dartmouth Medical Alliance, Yankee Health Alliance, Greater New York Hospital Association, Baxa Corporation, Translogic Solutions, and any consultant that the Defendants retained to assist in creating or recreating policies, processes, procedures or software for its business; and

C. Order that the amount of the expedited discovery shall be limited as follows:

(1) RSC may propound up to 10 interrogatories under FRCP 33 and up to 20 requests for production of documents, electronic data and things under FRCP 34 on Defendants; and Defendants may propound up to 10 interrogatories under FRCP 33 and up to 20 requests for production of documents, electronic data and things under FRCP 34 on RSC;

(2) each party shall have 20 days from the date its counsel receives written discovery to produce a complete response to such discovery;

(3) RSC may take up to 5 depositions under FRCP 30; and the Defendants may take up to 5 depositions under FRCP 30;

(4) RSC may conduct an inspection of each of the facilities owned, operated or used by the Defendants under FRCP 34 for unit dose repackaging; and

(5) RSC may issue subpoenas duces tecum under FRCP 45 to the third parties listed above in paragraph B(8).

D. Order that, if necessary to facilitate the expedited discovery, the parties shall submit an appropriate Protective Order to the Court under FRCP 26(c);

E. Order that there will be a preliminary injunction hearing scheduled for a date that is 8 to 10 weeks from the date of the Court's order on this motion; and

F. Grant any other or further relief that the Court deems necessary or appropriate.

This the 20th day of December, 2006

By: /s/ Melanie Black Dubis

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By: /s/ Cameron G. Shilling

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CERTIFICATE OF SERVICE

I hereby certify that I have this day served a copy of the foregoing documents via first class mail, postage prepaid, on the parties to this action addressed as follows:

Dennis M. DiVenuta, J.D.
HGD Enterprises, LLC (Dennis M. DiVenuta, Registered Agent)
Unit Dose Solutions, LLC (Dennis M. DiVenuta, Registered Agent)
2736 Peachleaf Street
Raleigh, North Carolina 27614

Unit Dose Solutions, Inc.
National Corporate Research, Ltd., Registered Agent
615 South Dupont Highway
Dover, Delaware 18891

This the 20th day of December, 2006

By: /s/ Cameron G. Shilling
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